

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JESSICA DIAZ ROSARIO,**

**Plaintiff,**

**V.**

**VINEYARD CHRISTIAN SCHOOL, and  
AMARILIS GALINDO,**

**Defendants.**

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**CIVIL ACTION NO. SA-23-CA-00436-FB**

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate filed in the above-captioned cause on August 22, 2023. (Docket no. 8). According to the CM/ECF docket sheet in this case, the certified mail sent to Plaintiff Jessica Diaz Rosario was returned by the post office marked “Return to Sender,” “Unclaimed, “Unable to Forward” on September 14, 2023. (Docket no. 11). No objections have been filed to date.<sup>1</sup> The Court also checked the electronic docket sheet to see if Plaintiff filed a change of address notice, but no notice has been filed.

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). The Court has reviewed the Report and Recommendation and finds its

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<sup>1</sup> Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, “service is complete upon mailing.” FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, “service is complete upon transmission.” *Id.* at (E).

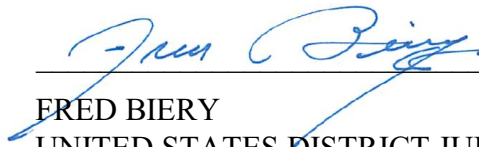
reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 8) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that the above styled and numbered cause is DISMISSED WITHOUT PREJUDICE for want of prosecution.

IT IS FINALLY ORDERED that motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 18th day of September, 2023.



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FRED BIERY  
UNITED STATES DISTRICT JUDGE